



**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
MCDOWELL MOUNTAIN PRESERVATION COMMISSION**

September 23, 2008

A public meeting of the McDowell Mountain Preservation Commission was convened and called to order by Chair Wayne Tall at 5:30 PM, Tuesday, September 23, 2008 in the Council Chambers at Town Hall, located at 16705 East Avenue of the Fountains, Fountain Hills, Arizona.

Call to Order – Roll Call: Present at roll call were the following members of the McDowell Mountain Preservation Commission: Chair Wayne Tall, Commissioners Bill Myers, Steve Fleming, Bob Sanders, and Elena Torre. Staff members present were Director Mark Mayer, and Susan Gill, Executive Assistant.

AGENDA ITEM #1: CALL TO THE PUBLIC:

Mr. Bill James was present at the meeting but did not respond to the Call to the Public.

AGENDA ITEM #2: APPROVAL OF THE MINUTES FROM THE AUGUST 19, 2008 REGULAR MEETING – ACTION ITEM

Commissioner Myers made a motion to approve the Minutes, Commissioner Fleming seconded, the motion was made and carried 5:0 to approve the August 19, 2008 minutes as submitted.

AGENDA ITEM #3: NOMINATION AND ELECTION OF A VICE-CHAIR - ACTION ITEM

Discussion preceding the nomination and election of the Vice-Chair included the following:

- Chair Tall informed the Commissioners that in the interest of maintaining a detached situation with the Commission he would refrain from voting
- All the Commissioners names, except for Chair Tall were placed on the ballot
- Commissioner Torre expressed concerns regarding all members of the Commission not being kept informed and updated, or provided the opportunity to contribute to various meetings
- The obligation of the Chair and Vice-Chair of the Commission is to insure that there is an “open” Commission, one that is not self-serving, and is willing to move forward with the primary agenda, which is to get the Preserve open
- Role of the Vice-Chair is to step in when the Chair is unavailable

Chair Tall indicated that he was trying to have the “Chair” be involved more as a focal point, and with the Open Meeting Laws explained he was more aware of the requirements to disseminate information correctly. Commissioner Torre mentioned that in order to be a viable part of the “team” she did not feel she has been given the chance to participate and meet with some of the committees that the Commission is involved with. Chair Tall mentioned that one of the complications of getting that to happen is that most meetings are usually held with people who are functionaries of other committees and therefore meetings are held during normal business hours. Commissioner Torre indicated that should not preclude someone who is not retired from attending a meeting, and that if notice was given in advance she would be provided the opportunity to rearrange her schedule.

Staff advised the Commission that an issue was raised by Mr. James (in a handwritten note handed to the Recording Secretary) if it was proper to have a secret ballot at a public meeting. Staff advised the Commission that in their opinion it was proper to proceed with the secret ballot, but if any of the Commissioners were in doubt the election could be postponed until legal counsel was obtained. Chair Tall mentioned that the results of the election would be public.

The Commission proceeded with voting on slips of paper and handed them to Chair Tall. The results of the four ballots were a tie between Commissioners Torre and Fleming. Commissioner Myers inquired if Chair Tall would reconsider his decision to refrain from voting. Chair Tall advised the Commissioners that he would not. Chair Tall called for a second ballot and informed the Commissioners if there was another tie he would “*toss a coin*” to determine the outcome. A second vote was taken, which was also a tie. Commissioner Fleming chose “*heads*”; the coin was tossed by Chair Tall and came up *heads*. Commissioner Fleming was elected Vice-Chair for the remainder of the term which ends December 31, 2008

AGENDA ITEM #4: SECOND AMENDMENT TO HIKING LICENSE AGREEMENT WITH MCO AND THE TOWN OF FOUNTAIN HILLS – ACTION ITEM

Director Mayer informed the Commission that this item was originally scheduled for the Commission’s approval at the September 16 meeting, which was rescheduled to September 23. Town Council approved the Second Amendment to the Hiking License Agreement with MCO and the Town at their September 18th meeting, therefore no action was required by the MMPC. A thirty day clause was added by MCO to the “*Term of the Agreement*” which would allow for either MCO or the Town to terminate the hiking agreement with thirty days notice. This clause would enable MCO to begin the development of their Adero Canyon property within the three year term of the agreement.

Chair Tall mentioned that Roy Kinsey had provided information that the Board of Directors of the McDowell Mountain Park have completed all the public disclosures and held meetings for the plan to develop new trails that would connect to the north trail and expect to have that voted on within a month. This would provide an additional access for Town residents to access the Preserve while Adero Canyon is being developed.

AGENDA ITEM #5: UPDATE ON REQUEST TO MCO FOR SPECIAL HIKES AND PORTA POTTY PLACEMENT – CHAIR TALL

Chair Tall mentioned that he had spoken to Jeremy Hall (MCO) regarding our request for placement of porta potty’s for special hikes. Mr. Hall is willing to allow the Sonoran Conservancy and members of the MMPC to place porta potty’s and conduct special hikes into the Preserve. The MMPC has to decide the location(s).

Commissioner Torre inquired about budget constraints and potential requests for approximately \$5,000 in funds to purchase a semi-permanent porta potty structure. Director Mayer advised that the budget process would most likely begin in November or December. Commissioner Torre inquired if any of the Commissioners wanted her to do additional research into various types of toilets. Some discussion followed with the general consensus being that the Porta Potty’s were sufficient for now on an as needed basis given the short duration of the hiking season, and that the roads to the Jeep Trail and Promenade Trail would be undergoing construction for installation of a waterline connecting Eagles Nest and Adero Canyon. Also, the Fire Department requirements are that the road from the trailhead must be paved to allow access for emergency vehicles.

Commissioner Torre mentioned that there is a Steward- in- Training with the Sonoran Conservancy that will be requesting, through Roy Kinsey, to take additional groups of hikers into the Preserve. The question was raised as to what the expectations of the public, and what the Town’s fiscal responsibility would be if improvements were made and the public were to become accustomed to additional amenities such as portable toilets. The comment was made that the area is not a park, it’s a Preserve and that the majority of hikers are aware of this and don’t expect there to be additional amenities. Chair Tall commented that perhaps the idea of a more permanent facility could be discussed once the ramada is installed at the trailhead.

AGENDA ITEM #6: DISCUSSION OF PLANS FOR MCDOWELL MOUNTAIN MONTH – DIRECTOR MAYER

Director Mayer mentioned that Mayor Schlum is scheduled to read a proclamation for McDowell Mountain Month at the October 1st Council meeting. Chair Tall mentioned that an effort was being made between the MMPC, the Scottsdale Sonoran Conservancy and the County’s McDowell Mountain Park representatives to coordinate a joint display for the Fountain Festival of Arts and Crafts scheduled for November 13 thru 16 and because of these activities it would probably not be necessary to do anything formal in October for McDowell Mountain Month.

Director Mayer advised the Commission that approximately three to four years ago a lot of activities for McDowell Mountain Month took place at the Community Center along with a guided hike series into the Preserve. For the last couple of years it has primarily been focused on the guided hike series and the proclamation by the Mayor to *"call upon all citizens to take a moment during the month to appreciate the beauty of this community treasure"*.

Discussion regarding recognition of McDowell Mountain Month included the following:

- Partner with the Sonoran Conservancy to have a booth or kiosk at the Community Center for a day
- Place an ad in Fountain Hills Times giving the date and time of the event
- Have an informational tent at the entrance to the Preserve prior to each hiking series departure
 - Provide maps
 - Informational pamphlets
 - Survey people on what types of activities they would like
 - Sonoran Conservancy could sell bottled water
- Check Community Center schedule for events
- Hold an Art Fair at the Community Center next year

Chair Tall said he would talk to Roy Kinsey, and hopefully Rand Hubble regarding the Commissions suggestions for McDowell Mountain Month.

AGENDA ITEM #7: DISCUSSION OF JOINT MMPC/TOWN COUNCIL MEETING ON OCTOBER 21, 2008 – DIRECTOR, MARK MAYER

Director Mayer suggested to the Commission that each Commissioner might want to provide the Council with an update on the projects they are working on; signage, educational hikes, and the interest in the State Trust Land to the west of Town. Director Mayer inquired if Chair Tall would like him to put together an agenda for him to review. Chair Tall asked Commissioner Myers to update the Commission on a meeting held with City of Scottsdale employee, Bob Cafarella. Commission Meyers advised that Scottsdale is amenable to some kind of joint trail between our Preserve and theirs. Different possibilities were discussed as were discussions held between Rand Hubbell and Bob Cafarella about obtaining access to Scottsdale via a joint trail system. Chair Tall mentioned that the interesting part of the meeting was Scottsdale's interest in the State Trust Land and building a trail in the vicinity of our north trail boundary in the Preserve. This would allow the three parks to meet with a connecting trail system so the land is not developed. Commissioner Meyers mentioned the *Growing Smarter Grants* and obtaining additional information with the State. It was determined that the *Growing Smarter Grants* information and updating the Council on the meeting with Bob Cafarella were topics to be placed on the October 21 Joint MMPC/Town Council Agenda. Commissioner Sanders suggested direction from Council on obtaining alternate access to the Preserve and Commissioner Torre mentioned she would like to discuss educational hiking opportunities.

Director Mayer clarified for the Commission that for the Joint meeting the Town Council joins the MMPC and it provides an opportunity for the Commission to bring items to the Council for discussion and/or direction.

AGENDA ITEM #8: DISCUSSION OF PLANS AND BOOTH FOR THE FOUNTAIN FESTIVAL OF ARTS AND CRAFTS – CHAIR TALL

Chair Tall advised the Commission that he had been in contact with Frank Ferrara with the Chamber of Commerce regarding a booth space. Chair Tall mentioned that an additional space may be available if it is well staffed. Because the MMPC is acting in the capacity of a non-profit organization and is not paying for the space, the space is provided on a first come, first served basis and early arrival prior to the street closures at 5:00 p.m. is suggested. Chair Tall suggested that someone should be there potentially as early as 12:00 p.m. to claim a spot. Chair Tall added that there are approximately two dozen *"free"* spaces.

Some discussion followed regarding scheduling an additional MMPC meeting on November 4th to further discuss the Commissions plans for the Fountain Festival of Arts and Crafts, which is scheduled for November 14 thru 16th. Staff liaison agreed to check for availability of a meeting location.

AGENDA ITEM #9: ADJOURNMENT OF MEETING

A motion to adjourn was made by Commissioner Torre and Commissioner Myers seconded, the motion carried 5:0 to adjourn the meeting at 6:45 PM.

Next meeting: Joint MMPC/Town Council is scheduled for October 21.

McDowell Mountain Preservation Commission

By: _____
Steve Fleming, Commissioner

Reviewed by: _____
Mark C. Mayer, Director of Parks and Recreation

Prepared by: _____
Susan Gill, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the McDowell Mountain Preservation Commission Regular Meeting held on September 23, 2008. I further certify that the meeting was duly called and that a quorum was present.

By: _____
Susan Gill, Executive Assistant